

Filed for intro on 02/09/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_  
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House No. HB0946  
By Wood

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House No. HB0946  
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AN ACT to amend Tennessee Code Annotated, Section 56-6-160,  
relative to continuing education requirements for insurance  
agents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-6-160, is amended by deleting the  
section in its entirety and substituting instead the following:

(a) The commissioner may, in accordance with the provisions of the Uniform  
Administrative Procedures Act, compiled in Title 4, Chapter 5, adopt reasonable rules for  
the implementation and administration of the provisions of this part. Such rules shall  
include, but not be limited to:

(1) A schedule of fees within the maximum amounts established in this part; and

(2) A requirement that a resident or non-resident insurance agent, as a condition for renewal of the license, satisfactorily complete at least twelve (12) hours of study annually in approved courses, programs of instruction or seminars.

(b) The rules adopted pursuant to subdivision (a)(2) shall not apply to any individual who, at the time of license renewal:

(1) Is sixty-five (65) years old; and

(2) Has maintained a valid insurance agent's, or equivalent license in this or any other state of the United States or province of Canada for a cumulative period of twenty-five (25) years.

(c) The commissioner may impose a reasonable fee for the approval of any course, program of instruction or seminar.

(d) Subject to the provisions of Chapter 6, Section 56-6-139(a)(2)(D), a nonresident agent who must complete continuing education requirements in a state where the agent maintains a resident license may use such requirements to meet this state's continuing education requirements as well, if that state recognizes reciprocity with this state's continuing education requirements.

(e) The commissioner may impose reasonable standards of conduct and compliance with this part with regard to prelicensing and continuing education providers, their employees, independent contractor instructors, including but not limited to, denial, suspension or revocation of the authority to be a prelicensing or continuing education provider or instructor, and the assessment of a civil penalty against any person or organization violating this part in an amount not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) for each violation. A violation includes, but is not limited to, any of the following actions:

(1) Making any materially false statement in the provider license applications or in submissions for approval of courses, programs of instruction or seminars;

(2) Obtaining or attempting to obtain any such license or approval of courses, programs of instruction, or seminars through misrepresentation or fraud;

(3) Cheating, or facilitating, aiding or abetting in the cheating, on an examination for an insurance license or continuing education course, program of instruction, or seminar, including, but not limited to, the communication directly or by inference of questions and/or answers that are or may be on such examinations;

(4) Providing evidence of continuing education compliance to a person who has not met the requirements for such certification;

(5) Improperly withholding, misappropriating, or converting to personal use any moneys belonging to students, instructors, or others received in the course of providing courses, programs of instruction or seminars for which such provider is licensed;

(6) Materially misrepresenting the content or terms of any actual or proposed courses, programs of instruction or seminars;

(7) Committing any unfair trade practice or fraud prescribed in this code including, but not limited to:

(A) The provision of any false information or advertising that is untrue, deceptive or misleading, or which misrepresents the benefits, advantages, conditions, or terms of any courses, programs of instruction or seminars;

(B) The dissemination or communication of any oral or written statement which is false or maliciously critical, derogatory or defamatory

to another prelicensing or continuing education provider or employee or independent contractor thereof; or

(C) Entering into any agreement to commit, or by any concerted action committing, any act or boycott, coercion or intimidation against other providers, including their employees and independent contractors, or any current or perspective student resulting in or tending to result in unreasonable restraint of, or monopoly in, the provision of prelicensing or continuing education;

(8) Using, in the conduct of affairs under such license, fraudulent, coercive, or dishonest practices;

(9) Inducing or attempting to induce an agent by misrepresentation to not use another provider or to use the subject provider;

(10) Being demonstrably incompetent, untrustworthy, or financially irresponsible;

(11) Having an insurance or continuing education provider license suspended or revoked in any other state, province, district or territory;

(12) Being convicted of a felony in a court of competent jurisdiction;

(13) Violating, or failing to comply with, any insurance laws, or any lawful rule or order of the commissioner or of a commissioner of another state; or

(14) Any cause for which issuance of the provider license could have been refused had it then existed and been known to the commissioner at the time of issuance.

SECTION 3. For rulemaking purposes, this act shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall become effective January 1, 1996, the public welfare requiring it.

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